

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

“Track One Cases”

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**DECLARATION OF WILLIAM T. DAVISON IN SUPPORT OF MANUFACTURER
DEFENDANTS’ OPPOSITION TO PLAINTIFFS’ MOTION FOR PARTIAL
SUMMARY JUDGMENT ADJUDICATION THAT DEFENDANTS DID NOT COMPLY
WITH THEIR DUTIES UNDER THE FEDERAL CONTROLLED SUBSTANCES ACT
TO REPORT SUSPICIOUS OPIOID ORDERS AND NOT SHIP THEM**

I, William T. Davison, declare as follows:

1. I am an attorney at the law firm of Ropes & Gray LLP and counsel to Defendants Mallinckrodt LLC, SpecGx LLC, and Mallinckrodt plc¹ (“Mallinckrodt”).

2. I make this declaration on behalf of Mallinckrodt in support of the Manufacturing Defendants’ Opposition to Plaintiffs’ Motion for Partial Summary Judgment Adjudication That Defendants Did Not Comply With Their Duties Under the Federal Controlled Substances Act To Report Suspicious Opioid Orders And Not Ship Them

3. Attached as **Exhibit 1** is a true and correct copy of Summit County’s Supplemental Response to Manufacturer Defendants’ Interrogatory 27, dated July 5, 2018.

4. Attached as **Exhibit 2** is a true and correct copy of Cuyahoga County’s Supplemental Response to Manufacturer Defendants’ Interrogatory 28, dated July 5, 2018.

¹ Mallinckrodt plc is an Irish company that is not subject to and contests personal jurisdiction for the reasons explained in its pending motion to dismiss for lack of personal jurisdiction; it is specially appearing to join this motion as a result of the Court’s deadline to file oppositions to dispositive and Daubert motions, and, thus, it does not waive and expressly preserves its pending personal jurisdiction challenge.

5. Attached as **Exhibit 3** is a true and correct copy of a report generated in response to Plaintiffs' discovery requests, showing Mallinckrodt's direct sales data for Cuyahoga and Summit Counties, at Bates begin number MNK-T1_0001820275.

6. Attached as **Exhibit 4** is a true and correct copy of an excerpt from the deposition of Craig J. McCann, Volume 2, dated May 10, 2019.

7. Attached as **Exhibit 5** is a true and correct copy of a Mallinckrodt policy for "New Customer Account Set-up and Existing Customer Account Ongoing Review" at Bates begin number MNK-T1_0000264265.

8. Attached as **Exhibit 6** is a true and correct copy of excerpts from the deposition of Cathy Stewart, dated December 11, 2018.

9. Attached as **Exhibit 7** is a true and correct copy of a sales force training presentation on Mallinckrodt's Suspicious Order Monitoring program, at Bates begin number MNK-T1_0002250046.

10. Attached as **Exhibit 8** is a true and correct copy of a Pharmacy Information Sheet and report from an onsite visit to a downstream pharmacy registrant, at Bates begin number MNK-T1_0008561129.

11. Attached as **Exhibit 9** is a true and correct copy of a report from an onsite visit to a downstream pharmacy registrant, at Bates begin number MNK-T1_0008500998.

12. Attached as **Exhibit 10** is a true and correct copy of a slipsheet referencing a report generated in response to Plaintiffs' discovery requests for Mallinckrodt's National Direct Sales Data, at Bates begin number MNK-T1_0007897646, which Mallinckrodt will submit in native format.

13. Attached as **Exhibit 11** is a true and correct copy of an overview of a Mallinckrodt policy for the Suspicious Order Monitoring program, at Bates begin number MNK-T1_0000571916.

14. Attached as **Exhibit 12** is a true and correct copy of a Mallinckrodt policy for the Suspicious Order Monitoring program, at Bates begin number MNK-T1_0007476261.

15. Attached as **Exhibit 13** is a true and correct copy of a Mallinckrodt policy for the Suspicious Order Monitoring program, at Bates begin number MNK-T1_0000511246.

16. Attached as **Exhibit 14** is a true and correct copy of a July 15, 2009 email from Bill Ratliff regarding communications with DEA, at Bates begin number MNK-T1_0000562325.

17. Attached as **Exhibit 15** is a true and correct copy of a January 30, 2013 email from Bonnie New to Jennifer Buist, at Bates begin number MNK-T1_0001522039.

18. Attached as **Exhibit 16** is a true and correct copy of a November 1, 2010 letter from Mallinckrodt to DEA St. Louis, at Bates begin number MNK-T1_0000373856.

19. Attached as **Exhibit 17** is a true and correct copy of a November 1, 2010 letter from Mallinckrodt to DEA Albany Division Office, at Bates begin number MNK-T1_0000288483.

20. Attached as **Exhibit 18** is a true and correct copy of the July 2017 Administrative Memorandum of Agreement between Mallinckrodt and DEA, at Bates begin number MNK-T1_0000557100.

21. Attached as **Exhibit 19** is a true and correct copy of a November 16, 2017 memorandum from the Attorney General, with the subject, "Prohibition on Improper Guidance Documents," retrieved from <https://www.justice.gov/opa/press-release/file/1012271/download>.

22. Attached as **Exhibit 20** is a true and correct copy of a May 6, 2013 email from Eileen Spaulding to Heather White at the Department of Justice, sending Mallinckrodt's AM report of flagged orders, at Bates begin number MNK-T1_0002216027.

23. Attached as **Exhibit 21** is a true and correct copy of a May 6, 2013 email from Eileen Spaulding to Heather White at the Department of Justice, sending Mallinckrodt's PM report of flagged orders, at Bates begin number MNK-T1_0002217298.

24. Attached as **Exhibit 22** is a true and correct copy of a May 7, 2013 email from Eileen Spaulding to Heather White at the Department of Justice, sending Mallinckrodt's AM report of flagged orders, at Bates begin number MNK-T1_0002217300.

25. Attached as **Exhibit 23** is a true and correct copy of a May 7, 2013 email from Eileen Spaulding to Heather White at the Department of Justice, sending Mallinckrodt's PM report of flagged orders, at Bates begin number MNK-T1_0007708172.

26. Attached as **Exhibit 24** is a true and correct copy of a May 8, 2013 email from Eileen Spaulding to Heather White at the Department of Justice, sending Mallinckrodt's AM report of flagged orders, at Bates begin number MNK-T1_0002217304.

27. Attached as **Exhibit 25** is a true and correct copy of a May 8, 2013 email from Eileen Spaulding to Heather White at the Department of Justice, sending Mallinckrodt's PM report of flagged orders, at Bates begin number MNK-T1_0002217306.

28. Attached as **Exhibit 26** is a true and correct copy of Karen Harper's notes from a November 1, 2010 meeting at the DEA St. Louis Division Office, at Bates begin number MNKT1_0000421974.

Executed this 31st day of July, 2019.

/s/ William T. Davison

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*Attorney for Defendants Mallinckrodt LLC
and SpecGx LLC, and appearing specially
for Mallinckrodt plc*

CERTIFICATE OF SERVICE

I, Brien T. O'Connor, hereby certify that the foregoing document as well as the other Declarations in support of this Manufacturer Defendants' Opposition were served via file transfer protocol to all counsel of record.

/s/ *Brien T. O'Connor*

Brien T. O'Connor